D.B. CIVIL WRIT PETITION NO.5994/2006
(Hukam Ram Vs. Union of India & Ors.)

Date of order : 21.11.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. J.K. Mishra, for the petitioner.

Having heard learned counsel for the petitioner, we do not find any merit in this petition.

From the facts narrated in the petition as well as contended by the learned counsel for the petitioner, it appears that while some accused persons were being prosecuted for having found in possession of the narcotic, the petitioner who is an employee of the Central Excise & Customs Department appeared as witnesses for the accused persons and deposed against the case set up by the prosecution against the recovery of narcotic recovered from the accused persons and tried to set up a case as if the recovery was made from certain other persons.

From this act of attempting to destroy the department/prosecution case under the NDPS Act, the petitioner was charge-sheeted and after enquiry, the charges have been found to be proved, was removed from service.

The appeal against such order was rejected as well as the review petition filed by the petitioner before President did not yield any result.

Aggrieved with the order of punishment, the petitioner preferred an Original Application before Central Administrative Tribunal. The Tribunal did not find the case in which the interference was called for in the disciplinary proceedings and the punishment imposed.

There is no denial of the fact that the petitioner had deposed against the prosecution case as a defence witness denying the recovery of the narcotic recovered from the accused persons and tried to set up the recovery of the narcotic from certain other persons.

In view of the aforesaid apparent position, we are of the opinion that no case for interference in the disciplinary proceedings and the punishment imposed is made out.

The appeal is dismissed in limine.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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